

Exhibit 12



Deposition of:
September 8, 2021 6:00 Public Hearing

September 8, 2021

In the Matter of:
**Permanent Legislative Committee On
Reapportionment Public Hearings**

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ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT

AND REDISTRICTING PUBLIC HEARING

HELD ON

WEDNESDAY, SEPTEMBER 8TH, 2021

BEGINNING AT 6:00 P.M.

LOCATION:

ALABAMA STATE HOUSE

11 SOUTH UNION STREET

MONTGOMERY, ALABAMA 36104

AND

ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:

KATHLEEN F. CAVAZOS, RPR,

COURT REPORTER

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1 SENATOR MCCLENDON: Welcome, everybody. For
2 everyone that's joining us online virtually, listening
3 with us, I'd appreciate it if you would mute your
4 microphones on your devices, your laptop or cell phone,
5 whatever you're using. Mute your mic. It gives us an
6 echo and a lot of feedback. And, also, I ask that you
7 turn off your cameras on your personal devices, except
8 our court reporter who we see. There's our court
9 reporter. Everybody can see her. Everything is going to
10 be taken down and will go into the record.

11 My name is Jim McClendon. I am a senator from
12 St. Clair County, which is north central Alabama. I am
13 Senate chair of the Committee on Redistricting and
14 Reapportionment. I want to thank every one of you for
15 coming. We've looked forward to this. All of our
16 meetings up until now, and there's been quite a few of
17 them around the state, have been virtual, and now we have
18 live people, and we're glad to see you. Of course, we
19 also have people with us virtually.

20 Representative Jones is here. What other
21 representatives do we have? Senator Singleton is over
22 here. He's with us. He's a member of the committee.
23 Chris Pringle is the counterpart in the House. He is the
24 house chair. Dorman Walker is to my immediate left. He
25 is our attorney, and he is the hearing officer. Senator

1 Steve Livingston is with us. He is a member of the
2 committee, and he's with us today.

3 Anybody out there I missed? Okay. I'm going to
4 let it ride.

5 Every 10 years, the census is taken to determine
6 the population. The census does more than just count
7 people. It locates people, and we use this when it's
8 time to redraw the districts. Now, the districts we're
9 interested in are, of course, the House of
10 Representatives, the Alabama Senate, the Alabama State
11 Board of Education, and the Congressional districts. So
12 we have all four of these, and we're developing the maps
13 for all four of these, and we're developing these maps
14 with the input of the public, you, and you're going to
15 have the opportunity to come make your suggestions about
16 how we do this. We'll get more into the details in just
17 a minute.

18 Let me give you -- Where is my sheet? Here it
19 is. So when the population in the district drops or goes
20 down or decreases from the ideal district size -- which
21 by the way, the ideal district size under the new census
22 data for a Senate district is 143,551. Now, we have a
23 five percent plus or minus latitude. It doesn't have to
24 be exactly that number, but it needs to be within that 10
25 percent range, plus five, minus five. That will satisfy

1 our criteria.

2 A House district is 47,850. It also has plus or
3 minus five as does the state board of education
4 districts. Congressional districts have the same number
5 of people, and that's by some rules and court cases
6 beyond our control.

7 Let me give you some samples of what's going on
8 with districts in the Montgomery area. Of course, we've
9 got them for the entire state, but I'm trying to focus on
10 what might be your interests. Senate district 25 has
11 gained 6,180, a round number, people, so that district is
12 going to have to shrink, probably. District 26 has gone
13 down by 18,300. These are round numbers I'm giving you,
14 but they're close enough for what we're doing. Senate
15 district 30 has gone up by about 1,400.

16 Now, let's take that district, for example. It
17 has gone up by 1,400. That's within that plus or minus
18 five deviation. You would think, well, we don't have to
19 mess with that district. What happens is adjacent
20 districts go up or down, too, and they have to be
21 adjusted. So it can affect other districts that are
22 close by.

23 Let's look at the House districts around this
24 area. Here we go. House 31, that's Representative Mike
25 Holmes' district, who is with us. His district increased

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1 in population by about 1,700 people. Let's see who else
2 we've got in the Montgomery area. House district 69 lost
3 about 5,500 in population. House district 74 went down
4 by about 2,800. House district 75 went up by
5 12,300-and-something. The late Representative McClammy's
6 district is 76. It went down by about 4,400. Tashina
7 Morris' -- or House district 77 went down by about 2,600,
8 and 78, which is vacant right now, decreased in
9 population by about 7,700. And I've got one more for
10 you. House district 90 went down by about 5,600.

11 So, you see, there's -- Our population shifts.
12 This has been going on for decades. There's definitely a
13 trend, a migratory pattern from the rural areas to the
14 direction of the urban areas, and when that happens, the
15 committee has to get together and look at the map and see
16 how we're going to redraw them, and that's our job.
17 That's what we're doing.

18 Let me let Representative Pringle come forward
19 now and see what he has to say.

20 REPRESENTATIVE PRINGLE: Thank you, Senator. I
21 appreciate it. My name is Chris Pringle. I'm state
22 representative from House district 101 and the beautiful
23 City of Mobile, Alabama. Today, I'd like to welcome you
24 to this hearing.

25 We will call you in the order in which you have

1 signed up to speak. Each speaker will be limited to
2 three minutes. Mr. Walker will keep time. When called,
3 please come to the microphone, clearly state your name,
4 the community you represent and the district or districts
5 you want to speak about. If you decide you want to speak
6 but have not signed up, we will recognize you at the end.
7 If you are participating remotely, send us your
8 questions, and we'll read it into the record at the end
9 of the meeting.

10 This hearing is being transcribed by a court
11 reporter working remotely. If you have something you'd
12 like introduced into the record, bring it to the
13 microphone with you and leave it with us, and we will
14 have it put into the permanent record of the committee.

15 Remember, this meeting is on the issue of
16 redistricting only. No subject before the legislature --
17 We're not here to discuss any other subject outside of
18 redistricting.

19 And I think I would be extremely remiss if I did
20 not recognize -- It looks like my dear friend, John
21 Knight, slipped into the room. Welcome, John. It's a
22 pleasure to see you always. John and I served together.
23 He was a great representative in Montgomery.

24 I'm going to turn it over to Dorman Walker who
25 will be presiding.

1 MR. WALKER: Hello. I'm Dorman Walker, the
2 hearing officer, and welcome, and thank you for coming
3 today. Whether you're participating here in person in
4 the auditorium or remotely, your participation is
5 important to the process, and the information that you
6 have for the legislature is valuable to the redistricting
7 process.

8 Before I open the floor for testimony, I'd like
9 to say a little bit of housekeeping first. If you came
10 in and didn't have an opportunity to sign in because the
11 sign-in sheets had already been collected, I have them
12 here, and I'll put one right here, and if you want to
13 come in and sign in so we have a record of your
14 attendance, thank you very much for doing that after the
15 hearing is over.

16 The legislature cannot just draw districts any
17 way it wants. It's bound by the obligation to comply
18 with the federal and state constitutions and statutes and
19 by the legislature's own guidelines for redistricting.
20 And what I want to do before I open the floor is explain
21 what those limitations are or rules are so that everybody
22 has an understanding of them.

23 First is the requirements -- Overarching
24 everything are the requirements for equal population and
25 nondiscrimination.

1 As to equal population, the Congressional
2 districts must be more or less equally populated after we
3 finish redistricting, and the state board of education
4 and the legislative districts, the House and Senate
5 districts must be populated within a range that is plus
6 or minus five percent above or below the ideal
7 population. The ideal population is simply the new
8 census data for the state's population, which is
9 5,024,279 divided by the number of relevant districts.
10 In other words, the ideal population for the Senate
11 district would be 5,024,279 divided by 35, or for a House
12 district, the same number divided by 105, the number of
13 House districts we have, or Congressional by seven or
14 state board of education by eight.

15 So when the legislature is drawing maps for the
16 state offices, it can vary the population of districts in
17 order to accomplish other goals such as keeping counties
18 whole or protecting communities of interest and trying
19 not to split them. That's not always possible. There
20 will be some counties that will be split and communities
21 of interest split, but having that room for play allows
22 the legislature to do a better job of preserving whole
23 counties and communities of interest.

24 In the last redistricting cycle, that deviation
25 was narrowed to plus or minus one percent over the ideal

1 population, and that resulted in more county splits, more
2 splits of municipalities, I think, than you will see
3 probably in the new district maps.

4 So another overarching requirement that's
5 non-negotiable is that any plan must be
6 non-discriminatory and comply with the equal protection
7 clause and other constitutional provisions and with
8 section two of the Voting Rights Act, which is the
9 workhorse section of the Voting Rights Act.

10 In addition, no district will be drawn in a
11 manner that subordinates the legislature's race-neutral
12 districting criteria -- and I'll go over those in a
13 second -- to considerations of race, color or membership
14 in a language minority group, except that race, color or
15 membership in a language minority group may be considered
16 and may predominate over race-neutral districting
17 criteria in order to comply with section two of the
18 Voting Rights Act, provided that there is a strong basis
19 in evidence in support of such a race-based choice. A
20 strong basis in evidence is defined by the United States
21 Supreme Court as good reason to believe that race must be
22 used in order to satisfy the Voting Rights Act.

23 So, in other words, redistricting is done in as
24 race-neutral a manner as possible, although at the end,
25 it may be that race is considered in order to ensure that

1 the Voting Rights Act is complied with.

2 The race-neutral districting criteria that the
3 legislature has adopted includes the obligation to draw
4 districts that are reasonably compact, which is a
5 relative term. It depends on the size of the
6 jurisdictions overall, as well as contain as few counties
7 as possible. All districts should reflect the will of
8 the people, which is one of the reasons why we're having
9 these hearings so that the legislature can receive
10 testimony about how districts should be drawn.

11 Districts are drawn on the basis of total
12 population. The census bureau reports population in many
13 different forms, but the largest grouping the census
14 gives us is the total population, which is simply
15 everybody that was in the state and in subordinate units
16 of the state on census day, April 1, 2020. So total
17 population, obviously, includes a lot of people who can't
18 vote such as children or people under 18, people who were
19 merely visiting the state, residing in the state but were
20 not citizens of the state, people who are not citizens of
21 the United States and maybe, in some instances, people
22 who are incarcerated and have lost the right to vote or
23 felons who have lost the right to vote.

24 Nevertheless, total population is the way that
25 districts have always been drawn, although in some

1 circumstances voting age population, that is, what we
2 call BVAP, black voting age population, or white voting
3 age population, may be considered to ensure, again, that
4 we're complying with section two of the Voting Rights
5 Act.

6 The legislature has to draw 35 Senate districts
7 and 105 House districts, even though the Constitution
8 would allow for 106 House districts. All districts are
9 single-member districts. We don't have any multi-member
10 districts. Only one person is elected from each
11 district. In other parts of the country, you might see
12 multi-member districts.

13 Contests between incumbents are to be avoided
14 whenever possible as the legislature draws districts. In
15 addition, the legislature should seek to preserve the
16 cores of existing districts when it draws districts.

17 Contiguity is required, which means that every
18 district must be, at every point on the boundary of a
19 district, in contact with either another district or one
20 of the boundaries of the state. Contiguity across water,
21 such as the Alabama River or Mobile Bay or Lake Martin is
22 allowed.

23 Districts also must respect, to the extent
24 possible, communities of interest, neighborhoods and
25 political subdivisions to the extent practicable. A

1 community of interest is defined as an area with
2 recognized similarities of interest, including, but not
3 limited to, ethnic, racial, economic, tribal, social,
4 geographic and historical identities. The term
5 "communities of interest" may, in certain circumstances,
6 include political subdivisions such as counties, voting
7 precincts, municipalities, tribal lands and reservations,
8 and school districts.

9 The discernment, weighing and balancing of the
10 various factors that contribute to communities of
11 interest is an intensely political process best left to
12 the representatives of the people.

13 In establishing the legislative districts, the
14 Reapportionment Committee and the legislature give due
15 consideration to all of the race-neutral criteria herein.
16 However, priority is given to the compelling state
17 interest in requiring equality of population among
18 districts and compliance with the federal Constitution,
19 state Constitution and the Voting Rights Act.

20 In addition, these criteria that I've identified
21 for you are not listed in order of precedence, and in
22 each instance where they conflict, the legislature shall
23 at its discretion determine which one takes priority.

24 I'm going to call people in the order they
25 signed up.

1 Before I call people, if there are any members
2 of the media here, would they please just identify
3 themselves for the record? If you're a member of the
4 media, would you -- You can stay where you are but
5 announce what medium -- who you're reporting for.
6 Anybody?

7 (Inaudible.)

8 MR. WALKER: Hey, Mike. Okay. Thank you.
9 Anybody else? Thank y'all for your coverage. It's very
10 important.

11 I will call you up in the order that you signed
12 up. I've got two sign-in sheets. I'll work through
13 those. After that, we'll see if anybody who is
14 participating remotely wants to comment, and then I'll
15 come back and see again if there's anybody else who wants
16 to.

17 The court reporter has asked if the media will
18 repeat their names. I'm sorry. Mike Cason for AL.com
19 and Raymond Moseley for Alabama Political Reporter and --
20 Brandon, I'm sorry, Moseley for Alabama Political
21 Reporter -- and Karen Goldsmith, Alabama Public
22 Television.

23 Thank y'all.

24 Ms. Moseley, if you'll come up to the podium,
25 and I'm going to start the timer when you get there, and

1 you'll hear it if you go over your three minutes.

2 MS. MOSELEY: Thank you and good evening. My
3 name is Carol Moseley. I am the president of the League
4 of Women Voters of Montgomery.

5 The League of Women Voters is a non-partisan
6 organization. We do not endorse specific candidates or
7 parties, but we are strongly committed to ensuring that
8 all citizens have the right to vote, equitable access to
9 voting and voting in fairly drawn districts at all levels
10 of government. Fair voting districts protect the
11 strength of each voter's vote. The current
12 reapportionment is the time to rectify the unfairness in
13 our current maps.

14 Today I'm speaking about our federal
15 Congressional districts. The League will submit comments
16 on the state legislative reapportionment at a later date.

17 Montgomery County is an easily understood
18 example of the kind of districting that is unfair. The
19 county is split into three Congressional districts, and a
20 cursory look at the boundaries between the seventh
21 district and second district show a classic case of
22 packing voters, packing Democratic votes into a safe
23 democratic district in order to prevent those votes being
24 cast against a Republican candidate.

25 A more detailed look at the line between the

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1 second and seventh district shows that the line is quite
2 irregular, splitting nine precincts. So not only is the
3 county split, but in that part of the county, precincts
4 are also split. Eight of those nine split precincts are
5 Democratic. This strategy minimizes the Democratic votes
6 in district two. The unfairness that results from this
7 packing is that it prevents Montgomery County citizens
8 from having representation that reflects the voices of
9 the entire county.

10 Districts, as you noted, are required to be
11 substantially equal in population and geographically
12 connected. So those requirements are being met with
13 lines such as what we see between our second and our
14 seventh districts. What is not being met is respect for
15 the integrity of our county, something that our state
16 Constitution and long tradition support.

17 The League of Women Voters of Montgomery
18 supports a reapportionment that does not split any county
19 in the state.

20 Thank you.

21 MR. WALKER: Ms. Moseley, if you want to -- You
22 have written statements there. I mean, you've given us
23 your testimony. If you want, though, to put those
24 written statements into the record as an exhibit, you're
25 welcome to. Just put them up here, and we'll see that

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1 they get to the court reporter. I think you can submit
2 them electronically to the reapportionment office. Okay.
3 Thank you.

4 And for those of you who don't know, the League
5 of Women Voters has -- I don't know if proposed is too
6 strong a word -- a whole county plan for Congressional
7 districts that has two black opportunity districts in it.

8 Thank you for your testimony.

9 Our next speaker is Cleo George Washington.
10 Okay. Thank you. Mr. Washington, I'll make sure that
11 one of these is attached to the record of this hearing.

12 MR. WASHINGTON: Yes, sir.

13 MR. WALKER: Okay. When you're ready.

14 MR. WASHINGTON: Good afternoon, Chairman
15 McClendon, Vice Chair Pringle and other distinguished
16 members of the joint commission.

17 My name is Cleo George Washington, II. I reside
18 in Congressional district two, and I am a sophomore at
19 LAMP High School here in Montgomery. I was five years
20 old when the Alabama legislature passed the Congressional
21 redistricting maps in June of 2011. So this is my first
22 opportunity to speak before the joint commission. Thank
23 you.

24 I encourage the committee to consider changing
25 the Congressional district lines to comply with the

1 intent and spirit of the Voting Rights Act of 1965, which
2 was to prohibit discrimination of voting by removing
3 barriers that were put in place after slavery ended and
4 provide greater opportunity for blacks to elect
5 representatives of their choice. As you are aware,
6 section five of the law was validated by the Supreme
7 Court decision in Shelby County vs. Holder in 2013. That
8 section dealt with the requirement of pre-clearance.

9 Today, I would urge the committee to focus on
10 the other important part of the Voting Rights Act,
11 section two. A bipartisan Congress in 1982 amended
12 section two of the Voting Rights Act to allow a cause of
13 action when the voting process has the effect of diluting
14 a minority's voting power. My reading of the law and
15 Supreme Court decision, Thornburg vs. Gingles in 1986 is
16 that proof of racial bias is not required to prove a
17 violation of section two. Instead, if the district map
18 change has the effect of diluting the voting strength of
19 minorities, then it can be in violation of the Voting
20 Rights Act.

21 It is clear Congressional redistricting maps
22 passed after the 2010 census have had the effect of
23 diluting the impact of minority voters in CD2. I will
24 refer you to Exhibit A which shows CD2 was competitive
25 between Democrats and Republicans prior to the new map.

1 Democrat Bobby Bright won by one percent in 2008, and
2 Republican Marsha Roby won by two percent in 2010. It is
3 equally clear CD2 is now non-competitive.

4 Exhibit B is the current map for CD7, which
5 includes Birmingham. CD7 has 63 percent black residents,
6 which I recommend reducing to 53 percent, which would
7 allow it to maintain a status of a majority minority
8 district.

9 Exhibit C is the current map for CD2, which has
10 30 percent black residents, which I recommend increasing
11 by 10 percent, for a total of 40 percent black residents.

12 Effective proposal: Republicans continue to
13 dominate 71 percent of Congressional districts, five out
14 of seven instead of six out of seven. Today, Republicans
15 control 85 percent of CDs even though the combined
16 minority population has grown to 35 percent. This change
17 will create a fairer opportunity for minority voters
18 under the principle of one person, one vote to elect a
19 candidate in a competitive CD2. This proposal also is
20 consistent with the requirements of, one, contiguity;
21 two, compactness; and, three, communities of interest.

22 Lastly, Mr. Chairman, like most of America,
23 Alabama is going through a transformation. It is
24 becoming more and more diverse. As a result of the
25 growing diversity, Alabama added over a quarter million

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1 new residents over the last decade to bring our total
2 population to 5,024,000. Most of the residents are
3 minority and deserving an opportunity to have a second
4 member in Congress.

5 Thank you.

6 MR. WALKER: Thank you, Mr. Washington.

7 SENATOR MCLENDON: Mr. Washington, you made an
8 excellent presentation. You came well prepared, and I
9 know your mama and daddy are proud of you, for I am.
10 Thank you so much for being with us.

11 REPRESENTATIVE PRINGLE: I'd like to echo those
12 comments, best presentation we've had.

13 MR. WALKER: Our next speaker is Kathleen
14 Kirkpatrick.

15 MS. KIRKPATRICK: That's a very tough act to
16 follow, but I'll do my best. Thank you.

17 I'm Kathleen Kirkpatrick, and I'm a resident of
18 the garden district here in Montgomery. So I'm located
19 in Senate district 76, House district 77 and U.S.
20 Congressional district number two, and I'd like to
21 provide some comments primarily about the Senate
22 districts.

23 One of the things I love about Montgomery is our
24 deep history in the civil rights movement, and when I
25 moved back to Alabama originally to my hometown of

1 Tuscaloosa about a decade ago, I was really attracted to
2 living in Montgomery, our state capital, for this reason,
3 because of the history and because of a pattern of
4 sustainable redevelopment in this region that I find is
5 really intriguing and looks to the future.

6 But, first, let's talk about Senate districts 25
7 and 26. I think I misspoke earlier on the number. So
8 I'm in Senate district 26. It's relatively compact,
9 right, addresses that concern, but it's also a relatively
10 urban district that's predominantly black, about 76
11 percent, by the way.

12 By contrast, Senate district 25 is a very oddly
13 shaped district that reaches all the way from Elmore
14 County, swings down through and grabs these weird little
15 chunks of the City of Montgomery that are predominantly
16 white and runs all the way down to all of Crenshaw
17 County. There is some balance that's needed for these
18 squiggly lines, and with the new census information, as
19 you noted earlier, there needs to be rebalancing to
20 accurately reflect that one person, one vote concern.
21 Right?

22 So I'm proposing redrawing those lines. I
23 realize this is all going to need to take into
24 consideration neighboring districts, but I know that it's
25 possible, and personally I'm working with a number of

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1 friends and colleagues in redrawing maps and evaluating
2 the statewide maps with the new census data to address
3 these concerns, and I'm planning to submit those
4 comments, the specifics, along with maps no later than
5 the 16th of this month.

6 Since I'm not out of time quite yet, I'd also
7 like to talk about our state House districts. There are
8 seven House districts in Montgomery County, weirdly
9 shaped, obviously pulling in from rural areas outside of
10 Montgomery to try to address some of the balance. There
11 is a better way to do this. I won't go into those
12 details now.

13 Last and certainly not least, again, I have a
14 very tough act to follow here talking about the
15 Congressional districts, but it is a disservice to the
16 people of Montgomery to not do a better job addressing a
17 balance and to split our city into three Congressional
18 districts, especially since we know there's a lot of
19 federal funding coming. We need to be able to work
20 closely with our federal representatives to make sure
21 that that money is spent appropriately and that we can do
22 it in a consolidated manner to work for all of our city
23 and county.

24 MR. WALKER: Thank you.

25 MS. KIRKPATRICK: Thank you for the opportunity.

1 MR. WALKER: Thank you very much.

2 Our next speaker is Mike Holmes.

3 Oh, Okay. If we had one, we'd give it to you.

4 The Reverend Rayford Mack.

5 REVEREND MACK: Good evening to the
6 co-chairpersons, Senator McClendon and Representative
7 Pringle, and all of the other members of the
8 Redistricting Committee.

9 I'm Reverend Rayford Mack. I'm president of the
10 metro Montgomery branch of the NAACP, and I'm here today
11 to go on record at this public hearing asking -- to ask,
12 to urge the committee to create fair and representative
13 maps. I am tired of being the victim of partisan
14 gerrymandering, packing, cracking and a large election
15 system.

16 I was a sophomore attending Toulminville High
17 School in 1969 located in Mobile, Alabama when schools
18 really started the integration process. As a
19 16-year-old, I watched our school enrollment drop from
20 1600 students to a thousand. I witnessed how
21 systematically the best athletes from my school were
22 zoned to predominantly white schools, leaving just enough
23 male students to remain in that athletic class or
24 division.

25 You know, fast forward, and I was a candidate

1 for House district 74 in 2018. I have lived in district
2 74 since 1993. I have seen the demographics of that
3 district evolve over the last 25 years. When I relocated
4 to Montgomery in 1990, most of the residents living down
5 the Atlanta Highway were white. Eastdale Mall was the
6 flagship for shopping in the Montgomery area, and there
7 were no businesses on Atlanta Highway once you passed
8 Bell Road except for Green Thumb and a Chevron station.

9 When we moved into the Copperfield subdivision
10 in '93, the neighborhood racial composition was about 90
11 percent white. If we fast-forward today, that racial
12 composition is about 50 percent white, 50 percent other.
13 Most of the black population live in the city of
14 Montgomery.

15 Because of the way Senate district 25 and 26,
16 House district 78 -- 77 and 78 currently are drawn, it
17 packs black voters in ways that do not reflect
18 communities of interest and in numbers necessary to
19 comply with the voting rights. And I know my time has
20 went off, but like I said earlier, I was a candidate for
21 House district 74 in 2018, but for some reason minority
22 candidates cannot win.

23 And I know the committee stated in y'all's
24 initial meeting that you wanted to -- the goal was to
25 draw the most constitutionally sound legal defensible

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1 plan we can arrive at. I suggest the following for black
2 voters to have fair representation in the Alabama
3 legislature: Black voters should no longer be packed
4 into districts in Montgomery and the Jefferson County
5 areas in ways that unfairly dilute their political power.
6 Communities of interest should no longer be split in the
7 Huntsville area, and districts should not unnecessarily
8 pull in parts of other counties, particularly in places
9 like Jefferson, Montgomery and Madison County.

10 Thank you very much.

11 MR. WALKER: Thank you, Reverend Mack.

12 Our next speaker is Acquanetta Poole. Welcome,
13 Ms. Poole.

14 MS. POOLE: Thank you so much for this
15 opportunity to speak with you, and thank you for taking
16 this meeting.

17 My name is Acquanetta Poole, and I live in state
18 Senate district 25. I am here representing all
19 underserved children in all school districts.

20 My heart is very heavy this evening as I share a
21 living story. I made it out, a product of Montgomery
22 Public School System. However, all too often, I hear of
23 so many children that did not make it out, hundreds of
24 them. They do not have a fighting chance to make it out.

25 The district representing the black and brown

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1 community maps are drawn with biased intentions. They
2 are unequal when educating black and brown children. I
3 ask that you change the currency of this slippery slope,
4 of this three-tier school system. The traditional school
5 system funds are depleting. The funds are going to the
6 charter schools with no possibility of returning.

7 The second oldest school system is the private
8 school system, and their survival is coined "at risk."
9 The traditional schools have been laboring at risk, and I
10 ask -- have been labored as at risk, and I ask, why are
11 you putting our children at risk in harm's way, cutting
12 off their life support? Give our black and brown
13 children a chance to make it out of this designed plan
14 that has held them captive, the pipeline to the prison
15 system. That's the direction that they're going.

16 A living map will be presented by September
17 16th, along with many supporting testimonies to validate
18 our concern.

19 Thank you for allowing me the opportunity to
20 share this testimony. I am here not looking for a
21 handout, just asking you to give our children a chance to
22 make it out.

23 Again, thank you for your heartfelt
24 consideration.

25 MR. WALKER: Thank you, Ms. Poole.

1 Our next speaker is Mr. Bobby Mayes. Okay.
2 Thank you, Mr. Mayes.

3 Next is Ms. Tabitha Isner. Welcome, Ms. Isner.

4 MS. ISNER: Thank you. Good evening. My name
5 is Tabitha Isner. I live in Congressional district two,
6 state school board district three, state Senate district
7 26 and House district 77, and don't even get me started
8 on the locals.

9 If you look at where those four districts line
10 up, Congressional two, state school board three, state
11 Senate district 26, House district 77, you know exactly
12 where I live. There aren't a lot of other people who can
13 say that they have that particular alignment of
14 districts. My son's school isn't in that area. The
15 church my husband pastors isn't in that area. I don't
16 even know anyone else other than my immediate neighbors
17 who live in that area.

18 It's terribly confusing here in Montgomery that
19 the districts don't line up. They don't line up within
20 precincts. They don't line up amongst neighbors or
21 neighborhoods. So tonight I want to testify on behalf of
22 the weary Montgomery voter who is exhausted by the way
23 Montgomery is continually divided into smaller and
24 smaller pieces.

25 First and perhaps most concerning is the

1 division of Montgomery County into three Congressional
2 districts, which has already been discussed, but I'm
3 going to say it again. That division is not necessary
4 and serves no purpose other than racial gerrymandering.
5 Montgomery functions as a unified economy and a unified
6 community and culture. We are a single media market, yet
7 on TV, we see ads for three different Congressional
8 races. Local organizations that want to advocate for our
9 region must write letters, make phone calls and make
10 visits to three different Congressional representatives,
11 only one of whom even has an office in Montgomery,
12 despite it being one of the largest cities.

13 Racial divisions are already a huge problem in
14 our town. So the fact that white voters are likely
15 represented by a different congressman than black voters
16 only serves to further the sense that we aren't really
17 living in the same town.

18 Moreover, no voter in Montgomery County is
19 voting in a competitive election for their Congressional
20 representative. All three seats here in Montgomery
21 county are regularly won with a margin of over 20 points,
22 whether that's by a Democrat or a Republican. There
23 clearly is enough diversity in this community to have
24 competitive races, and, yet, we don't. And
25 non-competitive districts are bad for voters because when

1 a representative isn't worried about losing their seat,
2 they don't have any reason to listen to their
3 constituents. The result is that decisions are being
4 made in primaries, and we are getting representatives who
5 are more and more extreme in their beliefs, less and less
6 likely to look for bipartisan solutions.

7 I will be submitting a proposed Congressional
8 map that keeps Montgomery together in one district. It
9 wasn't hard to draw. I can, in fact, show you many maps,
10 many different configurations of our Congressional map
11 that all result in a unified Montgomery. In my preferred
12 map, we get a competitive second district.

13 MR. WALKER: Would you wrap it up, Ms. Isner.

14 MS. ISNER: I would. I will also be submitting
15 comments in writing about the state board of education
16 which is also deeply dividing Montgomery.

17 Thank you for your time.

18 MR. WALKER: Thank you for your comments.

19 I think we may have one question that's been
20 submitted remotely. Just one second, please.

21 MS. OVERTON: Yes. This is from Catherine
22 Davies. She wants to know --

23 MR. WALKER: We can't hear you.

24 MS. OVERTON: This is from Catherine Davies.

25 "We still need a citation for the, quote, only one

1 person, quote, deviation for the Congressional district.
2 The answer is deep in the case law is not good enough."

3 MR. WALKER: Okay. Well, I don't have case law
4 up here with me. So, Ms. Davies, we'll answer that later
5 on.

6 Are there any other comments or questions from
7 the people attending virtually?

8 MS. OVERTON: No, there were no other questions.

9 MR. WALKER: Okay. Anybody else who wants to
10 speak?

11 Yes, ma'am.

12 MS. WOODSON: Thank you for your patience with
13 my approach. Hello. My name is Elizabeth Woodson. I'm
14 a Montgomery resident in the garden district, which is
15 state Senate 26 and state House 77. I've been here in
16 Montgomery for four years, and I love it, no plans to
17 leave. It's a place I call home and a community I'm
18 really honored to be a part of.

19 My question is for Committee Chairs McClendon
20 and Pringle. Thank you so much for being here tonight.
21 It's great to see you. I wanted to ask about the reality
22 that we exist in a partisan system. Each of you were
23 elected in a partisan system, and as it's been mentioned
24 many times, our Constitution and federal legislature
25 requires that maps reflect the needs of actual

1 communities regardless of parties and that our maps are
2 not infected with partisan bias. The people in a
3 democracy are supposed to choose our leaders, but our
4 history in our state and in our country has often
5 resulted in the opposite where our leaders are choosing
6 their voters. And that is wrong, and I don't want that
7 to be happening in my community in 2021.

8 So my question is, if you can please explain
9 what specific measures you're implementing to ensure that
10 your committee's process in determining these maps is
11 nonpartisan and will result in fair and unbiased outcomes
12 and if you can explain why this process is not being led
13 by a nonpartisan and independent body which would give me
14 as a voter a lot more confidence in the outcome.

15 MR. WALKER: I'll answer that. The Constitution
16 requires the legislature to conduct redistricting. We
17 don't have a process for a redistricting committee. That
18 could be considered by the legislature and put to
19 amendment to the Constitution, but that hasn't happened.

20 MS. WOODSON: Thank you. I actually was
21 directing my question to Chairs McClendon and Pringle.

22 MR. WALKER: But I'm the hearing officer and I
23 responded to your question.

24 MS. WOODSON: The first part was the specific
25 measures that you're implementing in your committee to

1 ensure that the process is indeed nonpartisan. I'd like
2 to hear from --

3 MR. WALKER: It's actually not a nonpartisan
4 process. It's an inherently political process. Each
5 legislator knows the interest of his constituents, and
6 that is an inherently political consideration. There is
7 a school of thought that says it should be nonpartisan,
8 but there's also a school of thought that says it is
9 partisan. The Supreme Court has said that it doesn't
10 have any basis for articulating a standard for judicial
11 management of partisan gerrymandering and has left that
12 to the state Supreme Courts to decide. So maybe we'll
13 get a chance to see, after the new plans are drawn,
14 whether or not our state Supreme Court regards it as a
15 partisan or nonpartisan activity.

16 MS. WOODSON: Thank you. I really would love to
17 hear -- I know that you both need time this evening to do
18 this, and I would just really love to hear from you both,
19 Chairs McClendon and Pringle.

20 MR. WALKER: Ms. Woodson, this is a hearing to
21 collect testimony about how districts should be redrawn
22 and to hear the interests of voters such as yourself,
23 which I appreciate, but it's not an opportunity for you
24 to come here and put people on the spot, and I'm sorry if
25 you disagree with my interpretation of what this hearing

1 is for.

2 MS. WOODSON: Well, hopefully we can hear from
3 you directly at some point. You're who are leading us in
4 this process, and I'm not intending to be inappropriate
5 in any way. I am eager to understand you as leaders and
6 where you're coming from in this really important and
7 challenging process, and I was hoping that that would be
8 possible. I'm going to give you one last chance if it
9 is, but I hope at some point we will get to hear directly
10 from you.

11 MR. WALKER: Thank you. You're close in your
12 time. Thank you for your testimony. Thank you. This is
13 an exhibit that will be added to the record as an
14 exhibit. Thank you.

15 Is there anyone else who would like to speak?
16 Is there anyone else who has raised their hand or
17 submitted something by chat who is attending remotely?
18 Oh, good. Hang on just one second.

19 Okay. Yes, sir. Please come up. Would you
20 mind stating your name for the record?

21 MR. GLASGOW: Kenneth Sharpton Glasgow. I want
22 to pose a question and ask, you know, we've got the
23 voting where people in prison could vote and all that,
24 the first state in the country to ever do it, a lawsuit,
25 Glasgow versus Allen back in 2008. And one of the

1 questions I have for this committee, have y'all even
2 considered the fact of counting those that are
3 incarcerated from their home and not from where they are
4 incarcerated? We've got 10 other states that's doing
5 that, and it's from the numbers that have been down
6 because of people's lack of participation in the system.

7 That's something I want to throw at y'all. And
8 we will be putting something into effect to send to y'all
9 in a proposal before the 16th. Is that something that
10 this committee would even consider, is what I wanted to
11 ask publicly.

12 MR. WALKER: It's certainly something that, as
13 you indicate, some states do. The majority of states do
14 not repatriate incarcerated persons. It tends to be kind
15 of complicated, and there's questions about it, but
16 there's no reason why it can't be done technically,
17 ultimately. I'm not sure that that proposal has been
18 made to the committee. It hasn't been made at a meeting
19 that I was at. So if you can get one of the members of
20 the committee to make it, I --

21 MR. GLASGOW: I'll definitely be getting with
22 Senator Singleton with it because we've got 12 states
23 that's already doing it. He knew I was coming, right?
24 We've got 12 states already doing it. And one of the
25 things I want you to look at and consider is by my

1 lawsuit, being that one of the agreements, because of the
2 Moral Turpitude Act and the Alabama State Constitution
3 was that they vote from where they come from and not from
4 where they're housed at, then by all rights, if they're
5 counted in the census, they should be counted where they
6 come from, not where they're housed at.

7 Thank you.

8 MR. WALKER: Thank you. For those who aren't
9 familiar with that issue, just to expand it a little bit,
10 as I mentioned, we get total population from the census
11 bureau, and, for example, in Barbour County, we'll get
12 the total population of Barbour County -- or Elmore
13 County, we'll get the total population of Elmore County,
14 and that will include persons who are incarcerated in the
15 prisons there. Not all of those people are
16 disenfranchised, and so the issue is should they be
17 included in the place where they're incarcerated or
18 should they be included in their home county if that's in
19 Alabama and we can determine where it is.

20 Some states, as Reverend Glasgow has indicated,
21 have taken the step of repatriating those voters for
22 census purposes, and they feel that's a fair way to do
23 it. Most states have not yet done that, and so I
24 understand you're going to be proposing that for us to
25 do. So thank you for your comments, sir.

1 One last chance for anybody who would like to
2 speak. Now is the time. Thank you very much for coming
3 today, for participating by being here and --

4 MS. OVERTON: Dorman?

5 MR. WALKER: Yes?

6 MS. OVERTON: We have one online comment and
7 question.

8 MR. WALKER: Okay.

9 MS. OVERTON: This is from Anna. She said, "I
10 submitted comments electronically and was happy to hear
11 Mr. Washington and Ms. Kirkpatrick and Ms. Isner speak of
12 the three issues I find most important, the need for
13 competitiveness, the need for compactness and the need to
14 uphold section two of the voting rights. My question is
15 about transparency. Do you have a plan on communicating
16 the progress of this process, further opportunities for
17 public input and opportunities to ask questions of the
18 community representative or staff?"

19 MR. WALKER: The purpose of these hearings,
20 which continue through the 16th, is to collect comments
21 from people around the state who want to comment on how
22 the districts should be drawn. Everything that's said is
23 taken down by a court reporter, and those transcripts
24 will be posted within a week or two weeks after the
25 hearings conclude on the reapportionment website. To get

1 to the reapportionment website, just Google Alabama
2 legislature, and when you go there, you'll see a drop-
3 down menu or tab for redistricting. Go there, and you
4 can read the transcripts of all of the hearings.

5 So those will be considered by the legislature
6 as districts are drawn. In addition, once a special
7 session is called, and we don't know when that will be,
8 but there will need to be a special session on
9 redistricting, there will be committee hearings, and
10 those are certainly open to the public, and we hope --
11 Well, we don't know quite what the regime is going to be
12 because of COVID and where we are now with some new
13 variations, but, at any rate, they will be open, and
14 there ought to be some form that you can comment, even if
15 it's remotely. You can also contact your legislator,
16 your Senate member and your House member and tell them
17 what you think.

18 So anybody else who wants to speak?

19 SENATOR MCCLENDON: Thank you all for being
20 here. We really appreciate you coming.

21 MR. WALKER: Okay. This hearing is closed. If
22 you did not sign in and you'd like to, I'll put the sign-
23 in sheets up here.

24 (Exhibits 1 through 5 were marked.)

25 *****

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1 C E R T I F I C A T E
2

3 STATE OF ALABAMA)

4 COUNTY OF MOBILE)

5
6 I hereby certify that the above and foregoing
7 was taken down by me remotely in stenotype and
8 transcribed by means of computer-aided transcription, and
9 that the foregoing is a true and correct transcript to
10 the best of my ability.

11 I further certify that I am neither of counsel
12 nor of kin to any of the parties, nor am I in anywise
13 interested in the result of said cause.

14 I further certify that I am duly licensed by the
15 Alabama Board of Court Reporting as a Certified Court
16 Reporter as evidenced by the ACCR number following my
17 name found below.

18
19 
20

21 KATHLEEN F. CAVAZOS, RPR, ACCR302

22 NOTARY PUBLIC

23 MY COMMISSION EXPIRES: 12/16/23

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Alabama Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

(e) Submission to witness; changes; signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within thirty (30) days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the

court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(F) Certification and filing by officer; exhibits; copies; notice of filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court, the officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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